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D.B. CIVIL SPECIAL APPEAL NO.142/2007.
[VED PRAKASH DODA VS. RSRTC & ORS]

DATED : 01.03.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr.K.S.Yadav for the appellant.

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Heard learned counsel for the appellant.

We find no merit in this appeal. In this appeal the appellant has been compulsorily retired from service after completing 25 years of his service on complete review of the service record, chart of which has been noticed by learned Single Judge in his order. Obviously, adequacy of the material is not the subject matter of the judicial review while examining the case of the subjective satisfaction of the employer about the utility of continuing the incumbent in the employment after he has reached the particular stage at which the employer can review his service record. If there is some material which has nexus with his satisfaction about whether the incumbent has outlived his utility to be continued in service at that stage and he has used his discretion or invoked the doctrine of pleasure, in terminating the employer-employee relationship before reaching the age of superannuation by providing him all retiral benefits no interference can be made. In such event, he can bring the

contract of employment to an end. The compulsory retirement in that manner is not considered to be punitive in nature.

In that view of the matter, looking to the material that has gone into consideration for sustaining of the order of the compulsory retirement by learned Single Judge it does not call for interference.

The appeal is, therefore, dismissed.

[CHATRA RAM JAT]J. **[RAJESH BALIA], J.**

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